IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 5989 of 1999(K)

PETITIONER:

K.S.SUBRAMANIAN,
KIZHAKKINIYATH (T.C.17/1240),
SASTHA NAGAR, PANGODE, THIRUMALA P.O.,
THIRUVANANTHAPURAM – 6.

BY ADV. SRI.A.V.ISMAIL

RESPONDENTS:
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1. **THE KERALA STATE ELECTRICITY BOARD,**
   PATTOM, THIRUVANANTHAPURAM – 4,
   REPRESENTED BY ITS SECRETARY.

2. **THE FINANCIAL ADVISER & CHIEF ACCOUNTS OFFICER,**
   K.S.E.B., PATTOM, THIRUVANANTHAPURAM – 4.

3. **THE DEPUTY CHIEF ENGINEER,**
   ELECTRICAL CIRCLE, K.S.E.B., POWER HOUSE,
   THIRUVANANTHAPURAM – 23.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR K.S.E.B. For R1 to R3

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.10196/1999 IN O.P.NO.5989/1999 K

CLOSED

20/06/2007 **SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF EXTRACT OF THE 1988 L.T. SETTLEMENT.**

EXT.P2: **COPY OF B.O.NO.1552/95 (PRC/4032/1995) DTD. 1/08/1995 ISSUED BY THE 1ST RESPONDENT.**

EXT.P3: **COPY OF B.O.NO.2138/95 (ESTT.1/3857/95) DTD. 5/10/1995 ISSUED BY THE 1ST RESPONDENT.**

EXT.P4: **COPY OF PROCEEDINGS NO.EB.1/GRADE PROMOTION/96-97 DTD. 1/10/1996 ISSUED BY THE 3RD RESPONDENT.**

EXT.P5: **COPY OF LETTER NO.PAY FIXN. A.1./96 DTD. 11/10/1996 OF THE 2ND RESPONDENT TO THE 3RD RESPONDENT.**

EXT.P6: **COPY OF LETTER NO.LA (S) IV/10720/98 DTD. 23/11/1998 OF THE SECRETARY OF THE BOARD.**

EXT.P7: **COPY OF ORDER NO.EB8/96-97 DTD. 6/1996 OF THE 2ND RESPONDENT TO K.RAMA IYER.**

EXT.P8: **COPY OF ORDER NO.EB9/96-97/TVM. DTD. 10/09/1996 OF THE 2ND RESPONDENT TO C. CHANDRA.**

EXT.P9: **COPY OF B.O.NO.1985/98 (ESTT.1-1770/98) DTD. 17/09/98 OF THE BOARD TO K.LEELA BAI.**

EXT.P10: **COPY OF B.O.NO.648/96/SC/LTS/OPR/95 DTD. 15/03/1996.**

/TRUE COPY/

KSS

K.R.UDAYABHANU, J.

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Crl.R.P.No.209 of 1999-C

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Dated this the 7th day of September, 2007

O R D E R

The revision petitioner is the de facto complainant, who had initiated proceedings with respect to the offences under Sections 354 and 323 of the Indian Penal Code vide C.C.No.144/1998 in which the accused stood acquitted.

2. The prosecution case is that on 03/01/1996, at about 6.30 p.m., while the de facto complainant was on her way home after work, at Puthur vayal, the accused outraged her modesty, caught hold of her hands, twisted her right thumb, squeezed her neck, hit her head against an arecanut tree and pushed her down.

3. The evidence adduced in the matter consisted of the testimony of PWs.1 to 4, Exts.P1 to P4 and MO.1.

4. As to the incident, the direct evidence is only that of PW.1, the de facto complainant. It was found that the F.I.S was lodged after 24

hours. It is seen that the court below found a lot of improvements in her evidence compared to the version before the police contained in Ext.P1 F.I.S. As is pointed out what is mentioned is that she was caught hold of on the way home and at the spot attempted to take her to the adjacent plantain garden for sexual intercourse. But in her deposition, her version is that she was lifted and taken to the plantain garden, laid her there and her mouth was stuffed with the scarf that she had put on the head etc. As noted by the court below, the scene of occurrence as per her version is not the same as is mentioned in the F.I.S.

In the circumstances, and in view of the constraints of the appellate jurisdiction against acquittal, I find no interference is called for. The criminal revision petition is dismissed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.209 of 1999-C

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O R D E R

7th September, 2007